

AMENDED IN SENATE JANUARY 17, 2006

AMENDED IN SENATE JANUARY 4, 2006

AMENDED IN SENATE APRIL 20, 2005

AMENDED IN SENATE APRIL 4, 2005

SENATE BILL

No. 841

Introduced by Senator Hollingsworth

February 22, 2005

An act to add Section ~~4117.5 to~~, *4291.3 to* the Public Resources Code, relating to forest practices.

LEGISLATIVE COUNSEL'S DIGEST

SB 841, as amended, Hollingsworth. Fire protection: firebreaks.

Existing law requires the State Board of Forestry and Fire Protection to adopt regulations implementing minimum fire safety standards related to defensible space, that are applicable to state responsibility area lands under the authority of the Department of Forestry and Fire Protection. Existing law requires a person that owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area or forest covered lands, brush lands, or grass-covered lands, or any land that is covered with flammable material, to maintain around and adjacent to the building or structure a firebreak of at least 30 feet, as specified. ~~Existing law authorizes the board to exempt from certain forest regulations the cutting or removal of trees a distance of up to 150 feet from specified structures, in compliance with the regulations of the board implementing minimum fire safety standards in state responsibility areas and the firebreak requirements.~~

This bill would, ~~notwithstanding any consistent with any other applicable provision of law or the provisions of a covenant, condition, or restriction regarding landscaping surrounding a hospital, adult residential care facility, school, aboveground storage tank, hazardous materials facility, or similar facility on the property,~~ authorize a *state or local fire official*, at his or her discretion, to permit an owner of property, or his or her agent, to construct a firebreak or implement appropriate vegetation management techniques, to ensure that defensible space is adequate for the protection of ~~those facilities a hospital, adult residential care facility, school, aboveground storage tank, hazardous materials facility, or similar facility on the property.~~ The bill would authorize the firebreak to be for a radius of up to 300 feet from the ~~hospital, adult residential care facility, school, aboveground storage tank, hazardous materials facility, or similar facility on the property,~~ or to the property line, whichever distance is shorter.

~~The bill would specify that no owner of property or owner's agent who constructs a firebreak or implements appropriate vegetation management techniques pursuant to these provisions shall be exempt from any applicable requirement to prepare a timber harvesting plan.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4291.3 is added to the Public Resources
- 2 Code, to read:
- 3 4291.3. Subject to any other applicable provision of law, a
- 4 state or local fire official, at his or her discretion, may authorize
- 5 an owner of property, or his or her agent, to construct a
- 6 firebreak, or implement appropriate vegetation management
- 7 techniques, to ensure that defensible space is adequate for the
- 8 protection of a hospital, adult residential care facility, school,
- 9 aboveground storage tank, hazardous materials facility, or
- 10 similar facility on the property. The firebreak may be for a radius
- 11 of up to 300 feet from the facility, or to the property line,
- 12 whichever distance is shorter.
- 13 SECTION 1. ~~Section 4117.5 is added to the Public Resources~~
- 14 Code, to read:

1 ~~4117.5. (a) Notwithstanding any other provision of law,~~
2 ~~including any state statute or regulation, or city or county~~
3 ~~ordinance or regulation, or the provisions of a relevant~~
4 ~~covenant, condition, or restriction regarding landscaping~~
5 ~~surrounding a hospital, adult residential care facility, school,~~
6 ~~aboveground storage tank, hazardous materials facility, or similar~~
7 ~~facility on the property, a local fire official, at his or her~~
8 ~~discretion, may authorize an owner of property, or his or her~~
9 ~~agent, to construct a firebreak, or implement appropriate~~
10 ~~vegetation management techniques, to ensure that defensible~~
11 ~~space is adequate for the protection of the hospital, adult~~
12 ~~residential care facility, school, aboveground storage tank,~~
13 ~~hazardous materials facility, or similar facility on the property.~~
14 ~~The firebreak may be for a radius of up to 300 feet from the~~
15 ~~hospital, adult residential care facility, school, aboveground~~
16 ~~storage tank, hazardous materials facility, or similar facility on~~
17 ~~the property, or to the property line, whichever distance is~~
18 ~~shorter.~~

19 ~~(b) No owner of property or owner's agent who constructs a~~
20 ~~firebreak or implements appropriate vegetation management~~
21 ~~techniques pursuant to subdivision (a) is exempt from any~~
22 ~~applicable requirement to prepare a timber harvesting plan under~~
23 ~~Article 7 (commencing with Section 4581).~~